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10/815,304	03/31/2004	Jason M. Mayeroff	MAYEROFF04-01	7276

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EXAMINER

TORIMIRO, ADETOKUNBO OLUSEGUN

ART UNIT	PAPER NUMBER
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3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,304	Applicant(s) MAYEROFF, JASON M.	
	Examiner ADETOKUNBO O. TORIMIRO	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-29,32-45 and 48-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-29,32-45, and 48-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The argument received on 12/01/2010 has been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19,21-29,32-45, and 48-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Boyd et al (US 2004/0092315) and further in view of Seelig et al (US 2004/0018871).

Re claims 19,21-24,29,33-35,41,45,49-51, and 57: Demar et al discloses a device comprising a computer processor adapted to conduct a base game (**see fig.1; col.4, lines 63-67 and col.5, lines 1-6**); and a bonus selection apparatus in communication with said computer processor, said bonus selection apparatus including at least one surface display element adapted to display a bonus award amount in response to the selection of a bonus award amount by said computer processor; wherein said bonus selection apparatus is fixed and includes a plurality of said surface display elements disposed on said bonus selection apparatus; wherein said bonus selection apparatus comprises a video display adapted to depict an object with said bonus award amounts arranged on the surface of; wherein said base game includes game symbols positioned on a player-selected quantity of pay lines, wherein said computer processor is adapted to select

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said bonus award amount based, at least in part, on the quantity of pay lines selected for play in the base game; wherein said base game includes game symbols positioned on pay lines and said player selects the amount wagered on at least one of said pay lines, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on the amount wagered on at least one pay line played in the base game (**see col.5, lines 21-48 and col.6, lines 24-29**).

However, Demar et al does not explicitly teach a bonus payout wherein the bonus payout is changeable and wherein the changeable bonus award amounts are displayed on separate changeable surface display elements and wherein the number of bonus award amounts displayed on said bonus selection apparatus is less than the number of bonus award amounts available to be displayed according to a schedule of bonus awards.

Boyd et al further teaches and discloses a device with computer processor designed to populate / activate and display said bonus selection populate said bonus selection apparatus with at least one bonus award amount by identifying at least one bonus award amount for display on said bonus selection apparatus and displaying said at least one identified bonus award amount on said changeable surface display element in response to the identification of said at least one bonus award amount by said computer processor; and conduct a bonus feature in response to a bonus trigger condition / which is the first criteria required in the bonus game rule of Boyd et al detected by said computer processor by controlling said bonus selection apparatus to select at least one bonus award amount from among said at least one bonus award amount displayed on said bonus selection apparatus (**see abstract; figs.13-16; pars.[0007] and [0060]**).

Seelig et al teaches in par. [0056] about a changeable indicator in a gaming device that displays different prizes. Figure 3 further shows that different prizes are displayed randomly and changeable on the bonus display, where examiner believes that since the changeable indicator of Seelig displays different prizes each time, there is a hidden pool of available prizes where the prizes displayed are selected from. Further par. [0047] also explains how a schedule of bonus awards is calculated and achieved (**see fig.3; par.[0047] and [0056]**).

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate the bonus selection of Boyd et al and the changeable bonus award of Seelig et al into the invention of Demar et al. One would be motivated to do this so as to have a game system with a bonus feature where the bonus game can be configured with various payout awards and amounts based on specific criteria associated with the game as selected by the player, thereby providing satisfaction and increasing enjoyment to the users of the gaming system; further it would be obvious to have a changeable bonus payout based on change in wager so that the player has an opportunity to increase their bonus winning by increasing their wager, thereby making the game interesting and hence keeping the player interested in playing the game.

Re claims 25-28,32,36-40,42-44,48,52-56, and 58-60: Demar et al discloses wherein said bonus selection apparatus is adapted to change the display of said bonus award amount during the course of said base game; wherein said computer processor is programmed to conduct a series of games and display a bonus game based on a trigger of a bonus symbol / such as bonus award amount during the play of the base game (**see abstract**); wherein said bonus selection

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apparatus is adapted to change the display of said bonus award amount between base games; wherein said bonus selection apparatus is adapted to change the display of said bonus award amount during the course of said base game; wherein said base game produces at least one outcome, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on an outcome of the base game (**see col.15, lines 11-65**).

However, Demar et al does not explicitly teach wherein the bonus payout is changeable based on the certain conditions such as wagered amount.

Seelig et al teaches in par. [0056] about a changeable indicator in a gaming device that displays different prizes. Figure 3 further shows that different prizes are displayed randomly and changeable on the bonus display, where examiner believes that since the changeable indicator of Seelig displays different prizes each time, there is a hidden pool of available prizes where the prizes displayed are selected from. Further par.[0047] also explains how a schedule of bonus awards is calculated and achieved (**see fig.3; par.[0047] and [0056]**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to make this combination. It would be obvious to have a changeable bonus payout based on change in wager so that the player has an opportunity to increase their bonus winning by increasing their wager, thereby making the game interesting and hence keeping the player interested in playing the game.

4. Claims 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Boyd et al (US 2004/0092315) and further in view of Adams (US

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6,089,978) and Seelig et al (US 2004/0018871). The teachings of Demar et al and Boyd et al have been discussed above.

Re claims 20: Demar et al teaches a device comprising a bonus selection apparatus.

However, Demar et al does not explicitly teach wherein said bonus selection apparatus is rotatable about an axis and includes a plurality of said surface display elements disposed on said bonus selection apparatus such that different bonus award amounts are visible as said bonus selection apparatus rotates; wherein the bonus payout is changeable based on the certain conditions such as wagered amount

Adams teaches wherein said bonus selection apparatus is rotatable about an axis and includes a plurality of said surface display elements disposed on said bonus selection apparatus such that different bonus award amounts are visible as said bonus selection apparatus rotates (**see col.2, lines 39-42**); bonus selection is adapted to be selected from at least one bonus award by rotating said surface display element (**see abstract**). Further examiner points out that the bonus outcomes being displayed on the reels of the Demar gaming machine, also teaches the feature of rotating bonus selection display.

Seelig et al teaches in par. [0056] about a changeable indicator in a gaming device that displays different prizes. Figure 3 further shows that different prizes are displayed randomly and changeable on the bonus display, where examiner believes that since the changeable indicator of Seelig displays different prizes each time, there is a hidden pool of available prizes where the prizes displayed are selected from. Further par.[0047] also explains how a schedule of bonus awards is calculated and achieved (**see fig.3; par.[0047] and [0056]**).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wheel device and a driver for rotating the wheel device at the bonus selection so as to provide the game player with various options which can be displayed on the rotating wheel, and also to provide a sense of realism to the game; and to include a simulation of ball so has introduce variety into the game, hence increasing player enjoyment of the game.

Response to Arguments

5. Applicant's arguments filed 12/01/2010 have been fully considered but they are not persuasive.

In response to the applicant's argument that Seelig teaches a hidden bonus feature and not displaying plurality of identified bonus award on plurality of changeable surface display, displayed on bonus selection apparatus, the examiner disagrees. The examiner points out that the claim limitations have been examined as written, further no where in the Seelig reference is there a teaching of hidden bonus feature as argued by the applicant. Contrary to the applicant's argument that Seelig does not teach changeable bonus as claimed by applicant, par.[0056] as pointed in the office action clearly mentions

" Prize levels 108 preferably contain a bonus prize display, such as changeable indicator 110. Changeable indicator 110 is preferably capable of displaying different prizes. For example, changeable indicator 110 may be a LED meter. Changeable indicator could also be a video or LED display capable of displaying images or different prizes to a player. Changeable indicator 110 is not limited to any particular type of indicator and those of skill in the art will be able to use all manner of changeable indicators 110 without departing from the scope of the present invention "

which examiner believes to teach plurality of changeable bonus award on changeable surface, where the plurality of awards could be in a list as shown in fig.3, etc. Further par.[0047] explains the random process of determining and populating the different plurality of awards. The examiner also points out that contrary to the embodiment argued by the applicant in par.[0044], the embodiment of Seelig depended on and used as prior art reference is an alternate embodiment as pointed out in par.[0055], which therefore means that the Seelig's alternate embodiment can be modified to teach the applicant's invention.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lewis can be reached on (571) 272-7673. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/David L Lewis/

Supervisory Patent Examiner, Art Unit 3714